

**WORK SESSION OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
5:30 PM - TUESDAY, APRIL 4, 2017**

Members of the El Mirage City Council will attend either in person or by telephone conference call.

Please silence all electronic communication devices (including cell phones and pagers) before the meeting is called to order. Thank you.

AMENDED Agenda

I. ROLL CALL

Mayor Lana Mook
Councilmember Roy Delgado
Councilmember Jack Palladino
Councilmember David Shapera

Vice Mayor Joe Ramirez
Councilmember Bob Jones
Councilmember Lynn Selby

II. CALL TO ORDER

Pledge of Allegiance
Moment of Silence
Silence Cell Phones & Pagers

III. WORK SESSION

W1. Presentation of FY 2017-18 budget framework. (Finance)

IV. ADJOURNMENT

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
6:00 PM - TUESDAY, APRIL 4, 2017**

Members of the El Mirage City Council will attend either in person or by telephone conference call.

Please silence all electronic communication devices (including cell phones and pagers) before the meeting is called to order. Thank you.

Note: The Common Council of the City of El Mirage, by a duly passed motion, may vote in public session to adjourn to executive session on any agenda item in conformation with A.R.S. Section 38.431.03 including legal advice from the City Attorney.

Agenda

I. ROLL CALL

Mayor Lana Mook
Councilmember Roy Delgado
Councilmember Jack Palladino
Councilmember David Shapera

Vice Mayor Joe Ramirez
Councilmember Bob Jones
Councilmember Lynn Selby

II. CALL TO ORDER

Pledge of Allegiance / Moment of Silence / Silence Cell Phones & Pagers

IV. CALL TO THE PUBLIC

Citizens desiring to speak on a matter that IS NOT on this agenda may do so at this time. Comments shall be limited to three (3) minutes per person and shall be addressed to the City Council as a whole. At the conclusion of the Call to the Public, individual City Council Members may (1) respond to criticism made by those who have spoken (2) direct staff to review or respond to the matter, and/or (3) direct that the matter be put on a future agenda.

V. CONSENT AGENDA

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda Item, that item will be removed from the Consent Agenda and voted on separately.

1. Consideration and action approving the minutes of the Regular Council Meeting held Tuesday, March 21, 2017. (City Clerk)
2. Consideration and action to approve the destruction of Personnel Records that have reached the end of their retention period as authorized under A.R.S. § 41-151.19. (Human Resources)
3. Consideration and action to approve the destruction of municipal documents that have reached the end of their retention period as authorized under A.R.S. § 41-151.19. (Finance)

VI. REGULAR AGENDA

- A. Consideration and action to approve Ordinance O17-04-03 amending City Code Chapter 91 "ANIMAL CODE" Section § 91.01 DEFINITIONS, *AT LARGE*. (Police)
- B. Consideration and action to approve Resolution R17-04-08 amending that certain document of the City Code titled "CHAPTER §130: OFFENSES GENERALLY by amending Section § 130.07 CURFEW and adding Section § 130.22 PARENTAL RESPONSIBILITY and declaring the Resolution and

additional section included in Exhibit “A” as a public record for publishing per A.R.S. §9-802. (Police)

- C. Consideration and action to approve Ordinance O17-04-04_amending Chapter 130: OFFENSES GENERALLY, and adopting and making a part of the El Mirage City Code that certain document titled “Chapter 130: OFFENSES GENERALLY and declared to be a public record by reference in Resolution R17-04-08. (Police)
- D. Consideration and action to authorize the City Manager to enter into a contract extension for sludge disposal services with Waste Management in an amount not to exceed \$87,000. (Public Works)

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

The City Council may not act upon any matter in the City Manager’s summary but may have general comment or questions. Items to be discussed will include, but not be limited to, the following:

- 1. Easter Eggstravaganza – Saturday, April 8, 2017
- 2. Police Victim’s Advocate Program Award
- 3. Grant Opportunities

VIII. MAYOR’S COMMENTS and COUNCIL SUMMARY OF CURRENT EVENTS

The Mayor and City Council may not discuss or act upon any matter in the summary unless the specific matter is properly noticed for legal action.

IX. EXECUTIVE SESSION

- E1. Discussion and consultation for legal advice with the City Attorney, pursuant to A.R.S. §38-431.03A.3 (Administration)

X. ADJOURNMENT

Accommodations for Individuals with Disabilities - Alternative format materials, sign language interpretation, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 10000 N. El Mirage Road, El Mirage, Arizona, (623) 876-2943, TDD (623)933-3258, or FAX (623) 876-4603. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

AFFIDAVIT OF POSTING – CITY COUNCIL MEETING OF APRIL 4, 2017


I hereby certify that this agenda was posted by 5:00 p.m. on March 31, 2017 at the following locations:

1) the City of El Mirage Exterior Bulletin Board at 10000 N. El Mirage Road, and 2) the City of El Mirage website at www.cityofelmirage.org.

Sharon Antes, City Clerk

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: <u>3/28/2017</u> DATE ACTION REQUESTED: <u>4/4/2017</u> ___ REGULAR ___ CONSENT	TYPE OF ACTION: ___ RESOLUTION # _____ ___ ORDINANCE # _____ <input checked="" type="checkbox"/> OTHER: Workshop presentation	SUBJECT: Presentation of FY2017-18 budget framework.
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TO: Mayor and Council
FROM: Robert Nilles, Deputy City Manager Administration\Finance Director 
RECOMMENDATION: None. Presentation Only.
PROPOSED MOTION: None. Presentation Only.
ATTACHMENTS: None

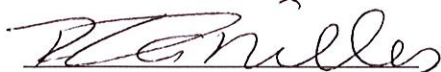
DISCUSSION: Presentation of FY2017-18 budget framework.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

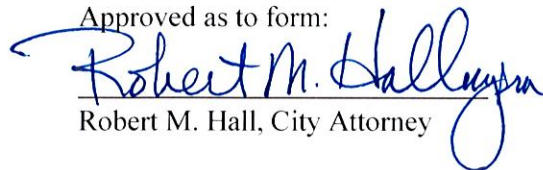
BALANCE IN LINE ITEM IF APPROVED: N/A

DCM\Finance Director:

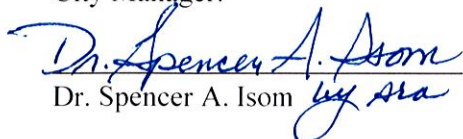

Robert Nilles

3/31/17
Date

Approved as to form:

 3/31/17
Robert M. Hall, City Attorney Date

City Manager:


Dr. Spencer A. Isom *by SSA*

3/31/17
Date

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: <u>03/27/2017</u>	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION # <u> </u> <input type="checkbox"/> ORDINANCE # <u> </u> <input checked="" type="checkbox"/> OTHER: <u>Approval of Minutes</u>	SUBJECT: Consideration and action approving the minutes of the Regular Council meeting held Tuesday, March 21, 2017.
DATE ACTION REQUESTED: <u>04/04/2017</u>		
<input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> CONSENT		

TO: Mayor and Council
FROM: Sharon Antes, City Clerk <i>[Signature]</i>
RECOMMENDATION: Approve minutes of the Regular Council meeting held Tuesday, March 21, 2017
PROPOSED MOTION: I move to approve minutes of Council meetings as presented.
ATTACHMENTS: Draft Minutes

DISCUSSION: Draft minutes are attached for Council's review and approval.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Deputy City Manager/Finance Director:

[Signature]
Robert Nilles

3/31/17
Date

Approved as to Form:

[Signature]
Robert M. Hall

3/31/17
Date

City Manager:

[Signature]
Dr. Spencer A. Isom

3/31/17
Date

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
6:00 PM – TUESDAY, MARCH 21, 2017**

Minutes

I. ROLL CALL

Present: Mayor Lana Mook, Vice Mayor Joe Ramirez, Councilmember Roy Delgado, Councilmember Bob Jones, Councilmember Jack Palladino, Councilmember Lynn Selby, Councilmember David Shapera

II. CALL TO ORDER

The meeting was called to order at 6:00 PM.

Pledge of Allegiance

Moment of Silence

Silence Cell Phones & Pagers

III. PROCLAMATION

- P1.** Proclamation designating April, 2017 as Fair Housing Month (Administration)

Grants Writer Janeen Gaskins reported the Civil Rights Act of 1968 (the Fair Housing Act) and the Fair Housing Amendments Act of 1988 ensures full and fair access to housing opportunities. A shelter is a basic human need and when shelter is denied the quality of human life is greatly diminished. People must not be denied equal access to and enjoyment of housing because of race, color, national origin, religion, sex, disability or familial status. The City of El Mirage recognizes and values the efforts of those who seek to identify and eliminate barriers to a full and fair housing opportunity.

Mayor Mook proclaimed April as Fair Housing Month and stated the City of El Mirage encourages all citizens to work for tolerance and equal opportunity in our community.

IV. CALL TO THE PUBLIC

Citizens desiring to speak on a matter that IS NOT on this agenda may do so at this time. Comments shall be limited to three (3) minutes per person and shall be addressed to the City Council as a whole. At the conclusion of the Call to the Public, individual City Council Members may (1) respond to criticism made by those who have spoken (2) direct staff to review or respond to the matter, and/or (3) direct that the matter be put on a future agenda.

No public comment cards were received.

V. CONSENT AGENDA

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda Item, that item will be removed from the Consent Agenda and voted on separately.

1. Consideration and action approving the minutes of the Regular Council Meeting held Tuesday, March 7, 2017. (City Clerk)
2. Consideration and action to approve the destruction of municipal documents that have reached the end of their retention period as authorized under A.R.S. §41-151.19. (City Clerk)
3. Consideration and action to approve Resolution R17-03-05 to accept FY 2017/18 GOHS funding, if awarded, for Police Department Driving Under the Influence (DUI) Enforcement Overtime in the amount of \$35,000 and \$1,000 for associated education materials. (Police)
4. Consideration and action to approve Resolution R17-03-06 accept FY 2017/18 GOHS funding, if awarded, for STEP Enforcement in an amount not to exceed \$16,800 in support of Police Traffic Services. (Police)
5. Consideration and action to approve Resolution R17-03-07 to accept GOHS Police funding, if awarded, for a Roadway Safety/Traffic Records FY 2017/2018 Police Department STEP-PT grant in the amount of \$61,500 for technology, training and supplies. (Police)

Vice Mayor Ramirez moved to approved Items 1 through 5 on the Consent Agenda as presented; seconded by Councilor Jones. Motion carried unanimously (7/0).

VI. REGULAR AGENDA

- A. Consideration and action to utilize a City of El Mirage JOC with P1 Paving to relocate the existing Community Garden on El Mirage Road from Thunderbird Road to Ventura Street in an amount of \$86,085. (Development & Community Services)

Development and Community Services Jorge Gastelum explained that the relocation of the community garden is part of the FY 2017-21 CIP and was approved in the FY 2016-17 Budget. Previous bids that were over the budgeted amount were rejected by Council on January 3, 2017 and this contract with P1 Paving in the amount of \$86,085 is being presented for the majority of the project. Under separate contract, installation of irrigation will be done by Carescape and the fence and gates will be done by Capitol Fence. In-house work by Public Works and Engineering for miscellaneous removal and relocations and construction staking will complete the relocation of the community garden.

Councilor Jones asked for clarification on whether the separate contracts were included in the P1 Paving bid and Mr. Gastelum stated they are not included; Carescape and Capitol Fence will each be approximately \$10,000.

Dr. Isom clarified the total amount for P1 Paving, Carescape and Capitol Fence will be less than the budgeted amount. The balance remaining after the P1 Paving contract is \$29,000 which is more than sufficient to pay for the separate contracts for Carescape and Capitol.

Councilor Selby asked what the total cost would be and Mr. Gastelum reported it would be just under the budget of \$115,000.

Councilor Shapera stated he is pleased the City is saving money even though he is not in favor of moving the garden.

Vice Mayor Ramirez asked if items in the existing garden will be moved and Mr. Gastelum answered as much as possible would be transferred. Vice Mayor Ramirez asked specifically whether the columns could be moved and was informed that as much as possible will be salvaged and relocated but new columns may need to be constructed; the fencing will be replaced with new since it is less expensive than relocating the existing fencing.

Dr. Isom added the relocation of the garden since has become a necessity as Thunderbird and El Mirage Road is a prominent commercial economic development corner and there are parties interested in purchasing that corner location. Finance Director Robert Nilles stated this corner is valued at more at \$1M and the RFP for the purchase of this corner was just recently released to the public.

Councilor Palladino asked if the decorative entrance gate could be salvaged and Mr. Gastelum responded it would, in fact, be transferred to the new location.

Vice Mayor Ramirez moved to approve utilization of a City of El Mirage JOC with P1 Paving to relocate the existing Community Garden on El Mirage Road from Thunderbird Road to Ventura Street in an amount of \$86,085; seconded by Councilor Palladino. Motion passed (5/2); nay votes were cast by Councilors Shapera and Delgado.

- B.** Consideration and action to authorize purchase of a new fire pumper engine scheduled for replacement and approved in the FY 2017/18 CIP in an amount not to exceed \$550,000. (Fire)

Fire Chief Jim Wise reported the lead time required to purchase a fire engine is generally 9 - 12 months because they are custom built. For that reason it is necessary to begin the process to have the vehicle ready for next fiscal year. The reason for this request is to purchase an “off-the-shelf” engine (partially complete) that could be available for delivery early next fiscal year, possibly in July.

Mayor Mook inquired if this engine is what the Fire Department wants and needs and Chief Wise reported it is both. It is manufactured by Pierce and will fit the needs of the Fire Department and the community.

Councilor Shapera asked if there was any trade-in value to the engine being replaced and Chief Wise responded they had checked with a previous vendor and were given a nominal trade-in amount of \$10K. He stated since there is so little value the engine could be donated or sold and Councilor Shapera suggested the City contact smaller departments who might be able to use the old engine.

Councilor Delgado stated the Town of Gila Bend has asked about possibly purchasing the engine and the Town of Yarnell also approached him regarding the purchase/donation of this engine.

Vice Mayor Ramirez asked if the engine is delivered fully equipped and Chief Wise responded that the engine is essentially complete but some additions will be required for local needs.

Councilor Jones asked what savings would be realized by buying “off- the-shelf” and Chief Wise reported there would be an initial savings of about \$75K off the top plus an additional 5-15% savings from an anticipated cost increase next year.

Councilor Selby asked if electronics from the existing engine would be retrofitted onto the new engine or if new equipment is required. Chief Wise answered some of the equipment will be used on other vehicles but that additionally required new equipment for the new engine had already been budgeted separately in next year’s fiscal budget outside the cost of the engine.

Vice Mayor Ramirez moved to approve the purchase of a new fire pumper engine scheduled for replacement and approved in the FY 2017/18 CIP in an amount not to exceed \$550,000; seconded by Councilor Jones. Motion passed unanimously (7/0).

VII. CITY MANAGER SUMMARY OF CURRENT EVENTS

The City Council may not act upon any matter in the City Manager’s summary but may have general comment or questions. Items to be discussed will include, but not be limited to, the following:

Dr. Isom stated he had no report.

VIII. MAYOR’S COMMENTS and COUNCIL SUMMARY OF CURRENT EVENTS

The Mayor and City Council may not discuss or act upon any matter in the summary unless the specific matter is properly noticed for legal action.

No comments were received from the Mayor or Councilmembers.

IX. ADJOURNMENT - The meeting was adjourned at 6:24 pm.

Lana Mook, Mayor

ATTEST:

Sharon Antes, City Clerk


I hereby certify the aforementioned minutes are a true and accurate record of the Regular Council Meeting of the El Mirage City Council held on Tuesday, March 21, 2017 and a quorum was present.

Sharon Antes, City Clerk

DRAFT

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: <u>03/29/2017</u> DATE ACTION REQUESTED: <u>04/04/2017</u> REGULAR <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/>	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION # _____ <input type="checkbox"/> ORDINANCE # _____ <input checked="" type="checkbox"/> OTHER: Destruction of records	SUBJECT: Consideration and action to approve the destruction of municipal documents that have reached the end of their retention period as authorized under A.R.S. § 41-151.19.
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TO: Mayor and Council
FROM: Robert Nilles, Deputy City Manager\Finance Director 
RECOMMENDATION: Approve the destruction of municipal documents that have reached the end of their retention period as authorized under A.R.S. § 41-151.19.
PROPOSED MOTION: I make a motion to approve the destruction of municipal documents as presented.
ATTACHMENTS: Certificate of Records Destruction.

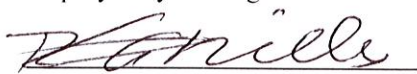
DISCUSSION: The State of Arizona and the City of El Mirage have determined retention schedules for public record and destruction of those records not meant to be kept indefinitely. Orderly destruction of public records pursuant to the laws of the State of Arizona and the City of El Mirage will provide more space for permanent records and keep the City compliant with State law.

FISCAL IMPACT: Not to exceed \$200

DEPARTMENT LINE ITEM ACCOUNT: 10-511-313 Savings will come from 10-511-230

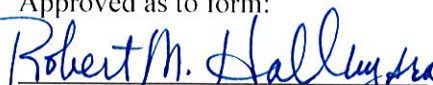
BALANCE IN LINE ITEM IF APPROVED:

Deputy City Manager\Finance Director:


 Robert Nilles

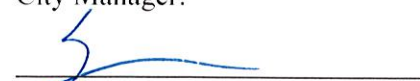
3/31/17
 Date

Approved as to form:


 Robert M. Hall, City Attorney

3/31/17
 Date

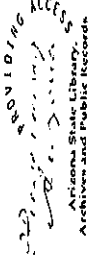
City Manager:


 Dr. Spencer A. Isom

3/31/17
 Date



ARIZONA STATE
LIBRARY, ARCHIVES AND PUBLIC RECORDS
A DIVISION OF THE ARIZONA SECRETARY OF STATE
Joan Clark, State Librarian & Director



ARCHIVES AND RECORDS MANAGEMENT

Page 1 of 2

CERTIFICATE OF RECORDS DESTRUCTION

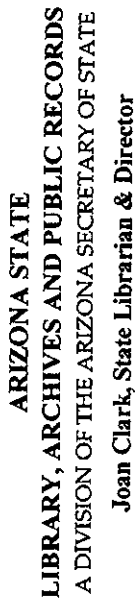
As authorized under ARS §41-151.19, ...A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.

Failure to comply with these procedures is a violation of ARS §41-151.19.

Public Body CITY OF EL MIRAGE Division FINANCE
Department FINANCE Office/Unit FINANCE

Record Series Title as Stated on Approved Schedule	Schedule Number or Date	Item #	Records Start Date	Records End Date	Format: Paper, Digital, Microfilm	# of Files, Boxes, Reels, Electronic File Size
Accounts Payable/Receivable Records - All Other Public Bodies	GS 1017	10057	7/1/2012	6/30/2013	Paper	1-2 CUB FT BOX
Accounts Payable/Receivable Records - All Other Public Bodies	GS 1017	10057	7/1/2012	6/30/2013	Paper	1 CUB FT BOX
Banking Records, All Other Records	GS 1017	10060	7/1/2007	6/30/2008	Paper	1 CUB FT BOX
Banking Records, All Other Records	GS 1017	10060	7/1/2008	6/30/2009	Paper	1 CUB FT BOX
Accounts Payable/Receivable Records - All Other Public Bodies	GS 1017	10057	7/1/2012	1/31/2013	Paper	1 CUB FT BOX
Accounts Payable/Receivable Records - All Other Public Bodies	GS 1017	10057	2/1/2013	6/30/2013	Paper	1 CUB FT BOX
Budget Records, All Other Records - All Other Public Bodies	GS 1017	10063	7/1/2006	6/30/2010	Paper	1 CUB FT BOX
Budget Records, All Other Records - All Other Public Bodies	GS 1017	10063	7/1/2011	6/30/2012	Paper	1 CUB FT BOX
Payroll Records, Employee Time and Leave Records - All Other Public Bodies	GS 1017	10085	7/1/2012	12/31/2012	Paper	1 CUB FT BOX
Payroll Records, Employee Time and Leave Records - All Other Public Bodies	GS 1017	10085	1/1/2013	6/30/2013	Paper	1 CUB FT BOX
Grant Records - NonHistorical	GS 1018	10280	7/1/2011	6/30/2012	Paper	1 CUB FT BOX

Name (type or print):	Title: Records Officer or Designee (type or print):	Phone :
Christy Eusebio	Assistant Finance Director	623-876-2968
Signature:	E-Mail: ceusebio@elmirageaz.gov	Date:



CERTIFICATE OF RECORDS DESTRUCTION

As authorized under ARS §41-151.19, ...A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the state library on a form prescribed by the state library.

Failure to comply with these procedures is a violation of ARS §41-151.19.

Public Body Department	CITY OF EL MIRAGE FINANCE	Division Office/Unit	FINANCE FINANCE
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[illegible]

Name (type or print):	Title: Records Officer or Designee (type or print):	Phone :
Christy Eusebio	Assistant Finance Director	623-876-2968
Signature:	E-Mail:	Date:
	ceusebio@elmirageaz.gov	

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: <u>03/23/2017</u>	TYPE OF ACTION: <u> </u> RESOLUTION # <u> </u> <u> </u> ORDINANCE # <u> </u> <u> X </u> OTHER: Records Destruction	SUBJECT: Consideration and action to approve the destruction of Personnel Records that have reached the end of their retention period as authorized under ARS §41-151.19.
DATE ACTION REQUESTED: <u>04/04/2017</u>		
<u> </u> REGULAR <u> X </u> CONSENT		

TO: Mayor and Council
FROM: Sandra King, IPMA-SCP, SPHR, Human Resources Director
RECOMMENDATION: Approve the destruction of municipal documents as authorized under ARS §41-151.19.
PROPOSED MOTION: I move to approve the destruction of personnel records as presented.
ATTACHMENTS: Certificate of Records Destruction

DISCUSSION: The State of Arizona and the City of El Mirage have determined retention schedules for public records and destruction of those records not meant to be kept indefinitely. Orderly destruction of public records pursuant to the laws of the State of Arizona and the City of El Mirage will provide more space for permanent records in the Human Resources Office and keep the City compliant with state law.

FISCAL IMPACT: \$10.00 (estimated)

DEPARTMENT LINE ITEM ACCOUNT: 10-500-313

BALANCE IN LINE ITEM IF APPROVED: \$5,002.52

Deputy City Manager/Finance Director:


Robert Nilles
3/31/17
Date

Approved as to Form:


Robert M. Hall, City Attorney
3/31/17
Date

City Manager:


Dr. Spencer A. Isom
3/31/17
Date

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: <u>03/31/2017</u>	TYPE OF ACTION: <u> </u> RESOLUTION # <u> </u> <u> X </u> ORDINANCE # <u>O17-04-03</u> <u> </u> OTHER:	SUBJECT: Consideration and action to approve Ordinance O17-04-03 amending City Code Chapter 91 "ANIMAL CODE" Section § 91.01 DEFINITIONS: <i>AT LARGE</i> .
DATE ACTION REQUESTED: <u>04/04/2017</u>		
<u> X </u> REGULAR <u> </u> CONSENT		

TO: Mayor and Council
FROM: Terry McDonald, Chief of Police <i>for T.M.</i>
RECOMMENDATION: Approve Ordinance O17-04-03 amending City Code Chapter 91-ANIMAL CODE, Section § 91.01 DEFINITIONS: <i>AT LARGE</i> .
PROPOSED MOTION: I move to approve Ordinance O17-04-03 as presented.
ATTACHMENTS: Ordinance O17-04-03

DISCUSSION: A discussion and action to approve Ordinance O17-04-03 amending City Code Chapter 91-ANIMAL CODE, Section § 91.01 Definitions: *AT LARGE*. The current definition is vague as to whether animals are at large on unfenced private property. Council approval is required for the amendment to take effect.

FINANCIAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Deputy City Manager/Finance Director:

Robert Nilles 3/31/17
Robert Nilles Date

Approved as to form:

Robert M. Hall 3/31/17
Robert M. Hall, City Attorney Date

City Manager:

Dr. Spencer A. Isom 3/31/17
Dr. Spencer A. Isom Date

ORDINANCE O17-04-03

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, AMENDING CITY CODE CHAPTER 91 “ANIMAL CODE” SECTION § 91.01 DEFINITIONS, *AT LARGE*

WHEREAS, loose animals pose concerns for public safety, and

WHEREAS, the current code is vague regarding the application to unfenced private property, and

WHEREAS, the Police Department has responded to several reports of dog fights caused by animals at large on unfenced private property,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of El Mirage that Chapter §91.01 be amended as follows:

§91.01 DEFINITIONS

AT LARGE

(1) Being neither confined in an enclosure nor physically restrained by a leash while ~~in~~ on public property, or on private property that is not enclosed by a fence or other structure.

~~or~~

(2) ~~An unleashed animal wandering 15 feet or more from its owner or agent.~~ Dogs in dog parks, and livestock and equine pleasure practices are specifically exempted.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of El Mirage, Arizona this 4th day of April, 2017.

Lana Mook, Mayor

ATTEST:

APPROVED AS TO FORM:

Sharon Antes, City Clerk

Robert Hall, City Attorney

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: 03/31/2017 _____ DATE ACTION REQUESTED: 04/04/2017 _____ <u> X </u> REGULAR <u> </u> CONSENT	TYPE OF ACTION: <u> X </u> RESOLUTION # R17-04-08 <u> </u> ORDINANCE # _____ <u> </u> OTHER:	SUBJECT: Consideration and action to approve Resolution R17-04-08 amending that certain document of the City Code titled "CHAPTER §130: OFFENSES GENERALLY by amending Section § 130.07 CURFEW and adding Section § 130.22 PARENTAL RESPONSIBILITY and declaring the Resolution and additional section included in Exhibit "A" as a public record for publishing per A.R.S. §9-802.
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TO: Mayor and Council
FROM: Terry McDonald, Chief of Police <i>for M. Bull</i>
RECOMMENDATION: Approve Resolution R17-04-08 amending that certain document of the City Code titled "CHAPTER §130: OFFENSES GENERALLY by amending Section § 130.07 CURFEW and adding Section § 130.22 PARENTAL RESPONSIBILITY and declaring the Resolution and additional section included in Exhibit "A" as a public record for publishing per A.R.S. §9-802.
PROPOSED MOTION: I move to approve Resolution R17-04-08 as presented.
ATTACHMENTS: Resolution R17-04-08

DISCUSSION: The amendment to the curfew ordinance further delineates what constitutes an offense and requires a parent, guardian, or person with legal custody of a minor to take custody of the minor after an arrest. The current El Mirage City Code does not provide a mechanism for holding parents responsible for the delinquent acts of their children. The new section requires reasonable parental control of minors.

FINANCIAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Deputy City Manager/Finance Director:

Robert Nilles 3/31/17
Robert Nilles Date

Approved as to form:

Robert M. Hall 3/31/17
Robert M. Hall, City Attorney Date

City Manager:

Dr. Spencer A. Isom 3/31/17
Dr. Spencer A. Isom Date

RESOLUTION R17-04-08

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF EL MIRAGE, ARIZONA, DECLARING AS PUBLIC RECORD THAT CERTAIN DOCUMENT TITLED “CHAPTER 130: OFFENSES GENERALLY” AND AMENDING SECTION § 130.07 CURFEW; AND ADDING SECTION § 130.22 PARENTAL RESPONSIBILITY.

WHEREAS, Arizona Revised Statutes §9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, provided the adopting ordinance is published in full; and

WHEREAS, the citizens of El Mirage are concerned with criminal activity by minors; and

WHEREAS, criminal activity by minors often occurs between 10:00 p.m. and 6:00 a.m.; and,

WHEREAS, some activity by minors between 10:00 p.m. and 6:00 a.m. is legitimate and should be excepted from the curfew provisions; and

WHEREAS, parents of minors should strive to exercise the reasonable care that will avoid the occurrence of juvenile incidents and enhance the protection of juveniles by the adults responsible for their actions; and,

WHEREAS, the proposed changes to the El Mirage City Code will bring additional accountability for curfew, and hold parents responsible for their children's delinquent behavior;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of El Mirage, Arizona that the City of El Mirage City Code be amended as follows:

Section 1. That the document attached hereto as Exhibit “A” amending Chapter 130 of the City Code of the City of El Mirage, Arizona, and titled “CHAPTER 130: OFFENSES GENERALLY,” is hereby declared to be a public record.

Section 2. That the document attached hereto as Exhibit “A,” containing the amendments to Section § 130.07 and the addition of Section § 130.22 “Parental Responsibility” of Chapter 130 of the El Mirage City Code is ordered to remain on file with the City Clerk.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of El Mirage, Arizona this 4th day of April, 2017.

Lana Mook, Mayor

ATTEST:

APPROVED AS TO FORM:

Sharon Antes, City Clerk

Robert Hall, City Attorney

EXHIBIT "A"

TITLE XIII: GENERAL OFFENSES

**AMENDMENT § 130.07 CURFEW– ADD NEW SECTION §130.22 PARENTAL
RESPONSIBILITY**

#####

CHAPTER 130. OFFENSES GENERALLY

Section

- 130.01 Alcoholic beverages in parks or city-owned buildings
- 130.02 Dangerous constructions
- 130.03 Excavations to be covered
- 130.04 Explosives
- 130.05 Fences, electric
- 130.06 Flammable, explosive, or other dangerous substances
- 130.07 Curfew

[illegible]

- 130.22 PARENTAL RESPONSIBILITY
130.99 Penalty

OFFENSES GENERALLY

§ 130.07 CURFEW.

(A) It is unlawful for any ~~person~~ MINOR under the age of 18 years old to be upon the streets or public places of the city between the hours of 10:00 p.m. and 6:00 a.m. unless that ~~person~~ MINOR is accompanied by a parent, guardian, or other person of lawful age having legal custody of that person.

(B) It is unlawful for any parent, guardian, or other adult person having the care and custody of the ~~person~~ MINOR to encourage or allow the ~~person~~ MINOR to be upon the streets or public places between the hours specified in this section unless accompanied by a parent or guardian.

(C) IT IS UNLAWFUL FOR A PARENT, GUARDIAN OR OTHER PERSON OF
LAWFUL AGE HAVING LEGAL CUSTODY OF THAT MINOR TO FAIL OR REFUSE TO
TAKE CUSTODY OF THE MINOR AFTER SUCH REASONABLE DIRECTIVE OR

REQUEST IS MADE BY A LAW ENFORCEMENT OFFICER WHO ARRESTS THE MINOR FOR A VIOLATION OF THIS CHAPTER.

(D) The provisions of this section shall not apply UNDER THE FOLLOWING CIRCUMSTANCES:

(1) when the person is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the person.

(2) WHEN THE PERSON IS GOING TO OR FROM AN EMPLOYMENT ACTIVITY WITHOUT ANY DETOUR OR STOP.

(3) WHEN THE PERSON IS GOING TO OR FROM, OR ATTENDING AN OFFICIAL SCHOOL, RELIGIOUS, OR OTHER RECREATIONAL ACTIVITY SUPERVISED BY ADULTS WHO TAKE RESPONSIBILITY FOR THE MINOR.

(4) WHEN THE PERSON IS ON PROPERTY ABUTTING THEIR RESIDENCE.

§ 130.22 PARENTAL RESPONSIBILITY.

(A) FOR THE PURPOSE OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING:

DELINQUENT ACTS. ACTS WHICH VIOLATE THE LAWS OF THE UNITED STATES, STATE, COUNTY, OR CITY, OR THOSE ACTS WHICH WOULD CAUSE OR TEND TO CAUSE THE MINOR TO COME UNDER THE JURISDICTION OF A JUVENILE COURT, BUT DOES NOT INCLUDE TRAFFIC VIOLATIONS.

ILLEGAL DRUGS. CONTROLLED SUBSTANCES OBTAINED WITHOUT A LEGAL PRESCRIPTION.

JUVENILE DELINQUENT. A MINOR WHOSE BEHAVIOR INTERFERES WITH THE RIGHTS OF OTHERS OR MENACES THE WELFARE OF THE COMMUNITY.

MINOR. ANY PERSON UNDER THE AGE OF EIGHTEEN (18) YEARS.

PARENT. MOTHER, FATHER, LEGAL GUARDIAN AND ANY OTHER PERSON HAVING THE CARE OR CUSTODY OF A MINOR OR ANY PERSON ACTING IN THE PARENT'S STEAD WHO HAS CUSTODY OR CONTROL OF THE CHILD.

(B) IT IS THE CONTINUOUS DUTY OF THE PARENT OF ANY MINOR TO EXERCISE REASONABLE CONTROL TO PREVENT THE MINOR FROM COMMITTING ANY DELINQUENT ACT. INCLUDED (WITHOUT LIMITATION) IN THIS

CONTINUOUS DUTY OF REASONABLE PARENTAL CONTROL ARE THE FOLLOWING PARENTAL DUTIES:

(1) TO KEEP ILLEGAL DRUGS OR ILLEGAL FIREARMS OUT OF THE HOME AND LEGAL FIREARMS SECURED IN PLACES THAT ARE INACCESSIBLE TO THE MINOR;

(2) TO KNOW THE CITY'S CURFEW LAW AND TO REQUIRE THE MINOR TO OBSERVE THE CURFEW LAW;

(3) TO REQUIRE THE MINOR TO ATTEND REGULAR SCHOOL SESSIONS AND TO FORBID THE MINOR TO BE ABSENT FROM CLASS WITHOUT PARENTAL OR SCHOOL PERMISSION;

(4) TO ARRANGE PROPER SUPERVISION FOR THE MINOR WHEN THE PARENT MUST BE ABSENT;

(5) TO FORBID THE MINOR FROM ENGAGING IN CRIMINAL DAMAGE, GRAFFITI, OR LITTERING;

(6) TO FORBID THE MINOR FROM KEEPING STOLEN PROPERTY, ILLEGALLY POSSESSING FIREARMS OR ILLEGAL DRUGS, OR ASSOCIATING WITH KNOWN JUVENILE DELINQUENTS, AND TO SEEK HELP FROM APPROPRIATE GOVERNMENTAL AUTHORITIES OR PRIVATE AGENCIES IN HANDLING OR CONTROLLING THE MINOR, WHEN NECESSARY; IF IT BECOMES KNOWN TO THE PARENT THAT THE MINOR POSSESSES STOLEN PROPERTY, LEGAL OR ILLEGAL FIREARMS, ILLEGAL DRUGS, OR IS ASSOCIATING WITH KNOWN JUVENILE DELINQUENTS.

(C) WHENEVER A MINOR IS ARRESTED OR DETAINED FOR THE COMMISSION OF ANY DELINQUENT ACT WITHIN THE CITY, THE PARENT OF THE MINOR SHALL BE IMMEDIATELY NOTIFIED BY THE POLICE DEPARTMENT ADVISING THE PARENT OF SUCH ARREST OR DETENTION AND THE PARENT'S RESPONSIBILITY UNDER THIS ARTICLE. A RECORD OF SUCH NOTIFICATIONS SHALL BE KEPT BY THE POLICE DEPARTMENT.

(D) IF A MINOR COMMITS A DELINQUENT ACT, THE PARENT SHALL BE GUILTY OF A VIOLATION OF THIS ARTICLE IF IT IS PROVEN THAT ANY ACT, WORD, OR NONPERFORMANCE OF PARENTAL DUTY BY THE PARENT ENCOURAGED, CONTRIBUTED TOWARD, CAUSED, OR TENDED TO CAUSE THE COMMISSION OF THE DELINQUENT ACT BY THE MINOR.

(E) UPON THE FIRST CONVICTION OF A VIOLATION OF THIS ARTICLE, THE PARENT SHALL BE SUBJECT TO A FINE OF ONE HUNDRED DOLLARS (\$100.00).

THE COURT MAY ELECT TO ORDER PARENTING CLASSES OR COUNSELING IN LIEU OF A FINE.

(F) UPON THE SECOND AND/OR SUBSEQUENT CONVICTIONS OF A VIOLATION OF THIS ARTICLE, THE PARENT SHALL BE SUBJECT TO A FINE OF NOT LESS THAN TWO HUNDRED AND FIFTY DOLLARS (\$250.00).

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: <u>03/31/2017</u>	TYPE OF ACTION: <u>RESOLUTION #</u> _____ <u>X</u> ORDINANCE # <u>O17-04-04</u> OTHER: _____	SUBJECT: Consideration and action to approve Ordinance O17-04-04 amending City Code Chapter 130-OFFENSES GENERALLY by amending Section § 130.07 CURFEW and adding Section § 130.22 PARENTAL RESPONSIBILITY
DATE ACTION REQUESTED: <u>04/04/2017</u>		
<u>X</u> REGULAR <u> </u> CONSENT		

TO: Mayor and Council
FROM: Terry McDonald, Chief of Police
RECOMMENDATION: Approve Ordinance O17-04-04 amending City Code Chapter 130-OFFENSES GENERALLY by amending Section § 130.07 CURFEW and adding Section § 130.22 PARENTAL RESPONSIBILITY
PROPOSED MOTION: I move to approve Ordinance O17-04-04 as presented.
ATTACHMENTS: Ordinance O17-04-04

DISCUSSION: A discussion and action to approve Ordinance O17-04-04 amending City Code Chapter 130-OFFENSES GENERALLY, Section § 130.07 CURFEW to add exclusions to the existing curfew ordinance and include parental responsibility, and a new Section§ 130.22 PARENTAL RESPONSIBILITY to hold parents accountable for acts of juvenile delinquency.

FINANCIAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Deputy City Manager/Finance Director:


3/31/17
 Robert Nilles Date

Approved as to form:


3/31/17
 Robert M. Hall, City Attorney Date

City Manager:


3/31/17
 Dr. Spencer A. Isom Date

ORDINANCE O17-04-04

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
CITY OF EL MIRAGE, MARICOPA COUNTY, ARIZONA,
AMENDING CHAPTER 130: OFFENSES GENERALLY BY
AMENDING SECTION § 130.07 CURFEW AND ADDING
SECTION § 130.22 PARENTAL RESPONSIBILITY OF THE
CITY OF EL MIRAGE CITY CODE**

WHEREAS, Arizona Revised Statutes §9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, provided that the adopting ordinance is published in full,

**NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF
THE CITY OF EL MIRAGE, ARIZONA**, as follows:

- Section 1. Chapter 130: OFFENSES GENERALLY of the El Mirage City Code is hereby amended.
- Section 2. That certain document titled “Chapter 130: OFFENSES GENERALLY” which document was made public record by Resolution R17-04-08 amending Section § 130.07 Curfew and adding Section § 130.22 Parental Responsibility of the City Code is hereby referred to, adopted and made part of the El Mirage City Code as if fully set out in this Ordinance.
- Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance in any part of this addition adopted here by reference is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 4. The City Clerk is hereby directed to publish this adopting ordinance in full.

PASSED AND ADOPTED by the Mayor and Council of the City of El Mirage this 4th day of April, 2017.

Lana Mook, Mayor

Attest:

Approved as to Form:

Sharon Antes, City Clerk

Robert M. Hall, City Attorney

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: <u>03/29/17</u> DATE ACTION REQUESTED: <u>04/4/17</u> <u>X</u> REGULAR <u> </u> CONSENT	TYPE OF ACTION: <u> </u> RESOLUTION # <u> </u> <u> </u> ORDINANCE # <u> </u> <u>X</u> OTHER: Contract authorization	SUBJECT: Consideration and action to authorize the City Manager to enter into a contract extension for sludge disposal services with Waste Management in an amount not to exceed \$87,000.
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TO: Mayor and Council
FROM: James Shano, P.E., CPM – Deputy City Manager/Public Works & Economic Development Director
RECOMMENDATION: Approve authorization for the City Manager to enter into a contract extension with Waste Management for sludge disposal services.
PROPOSED MOTION: I move to authorize the City Manager to enter into a contract extension as presented.
ATTACHMENTS: Contract PW13-SHD01(on file), Extension Agreement Letter, Pricing Sheet

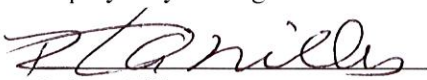
DISCUSSION: Public Works currently uses Waste Management for daily disposal of sludge from the Wastewater Treatment Facility. In order to continue service through FY 2016/17 and protect the safety, health, and welfare of El Mirage residents, the Public Works department is requesting an extension of the current sludge disposal contract PW13-SHD01 in an amount not to exceed \$87,000. The original contract expired January 16, 2017; current expenditures since contract expiration total \$22,150; anticipated expenses through FY 2016/17 are estimated to be \$64,850 for a total amount not to exceed \$87,000. The extension pricing and terms are detailed in the attached extension letter. The City is currently developing an Invitation for Bid to procure services for FY 2017/18 and beyond. Current funds exist in the department budget to cover this extension.

FISCAL IMPACT: \$87,000

DEPARTMENT LINE ITEM ACCOUNT: 54-400-334; 54-400-387; 54-400-313; 54-400-110

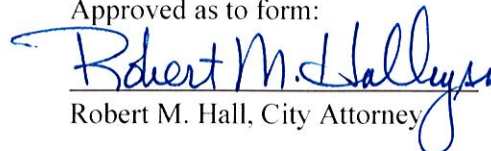
BALANCE IN LINE ITEM IF APPROVED: \$1,417; \$105,356; \$31,376; \$131,638

Deputy City Manager/Finance Director:


Robert Nilles

3/31/17
Date

Approved as to form:


Robert M. Hall, City Attorney

3/31/17
Date

City Manager:


Dr. Spencer A. Isom

3/31/17
Date

March 28, 2017

Waste Management of Arizona & New Mexico
222 S. Mill Ave, Suite 333
Tempe, AZ 85282

RE: Contract Extension (PW13-SHD01)

Mr. Fenimore,

This letter serves as the written notification for the extension of the contract for the City of El Mirage as specified in the Sludge Hauling and Disposal Services Contract (PW13-SHD01) specifications and bid documents. The effective date of this extension is January 17, 2017 and will continue through fiscal year 16/17, terminating on **June 30, 2017**. The terms and conditions of the contract shall remain unchanged. The City of El Mirage and Waste Management have agreed on the following pricing: \$42.55/ton for Sludge Hauling/Transport and Disposal Services.

Sincerely,



Nick Russo,
Management Administrator

Acceptance of Contract Extension & Pricing

Alexander Fenimore

Name

Industrial Account Manager

Title

Alexander Fenimore

Signature

Waste Management Contract PW13-SHD01

Contract Expired January 16, 2017

Month	Billed	
January (15-31)	\$ 8,250	(billed)
February	\$ 13,900	(billed)
Subtotal	\$ 22,150	
March	\$ 16,000	(projected)
April	\$ 16,000	(projected)
May	\$ 16,000	(projected)
June	\$ 16,000	(projected)
Total	\$ 86,150	
Amount not to exceed:	\$ 87,000	

Department Line Item Account	Current Balance	Anticipated Savings to Cover
54-400-334	\$ 1,150	\$ 1,150
54-400-387	\$ 105,356	\$ 30,000
54-400-313	\$ 31,376	\$ 30,000
54-400-110	\$ 131,638	\$ 25,000
	Total: \$	86,150